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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,896	04/11/2005	Shigeki Kondo	03500.017665	2248
5514 7590 07/26/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER WILLIAMS, JOSEPH L	
			ART UNIT 2879	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/530,896

Applicant(s)

KONDO ET AL.

Examiner

Joseph L. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-14, 16-17 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The amendment filed on 16 May 2007 has been entered and overcomes the rejections to the claims.

#### ***Claim Objections***

1. Claim 15 objected to because of the following informalities: "te" should read "the". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Mashita et al. (JP 2000-277253), of record by Applicant.

Regarding claim 4, Mashita ('253) teaches in figure 2 and the corresponding text a top emission display device comprising in sequence: (a) a substrate (1); (b) an insulating layer (6, bottom); (c) a display region comprising an organic EL element which organic EL element comprises, in sequence, beginning from the insulating layer, (i) a lower electrode (2), (ii) an organic compound layer (4-5) and (iii) a light extraction side upper electrode (3), the lower electrode and light extraction side upper electrode sandwiching the organic compound layer; and (d) a protective layer (6, top) covering the

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organic EL element, wherein the organic EL element is surrounded by the insulating layer and the protective layer.

Regarding claim 4, Mashita ('253) teaches an end of the protective layer is in contact with the insulating layer.

Regarding claim 6, Mashita ('253) teaches the insulating layer (6, bottom) in contact with the lower electrode (2).

Regarding claim 7, Mashita ('253) teaches the insulating layer is not provided at an edge of the substrate.

Regarding claim 10, Mashita ('253) teaches that the electrodes can be made of ITO.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11-14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashita et al. (JP 2000-277253), in view of Hirano (US 2002/0036462, of record by Applicant).

Regarding claim 9, Mashita ('253) teaches all of the claimed limitations except for the organic EL element being connected to a TFT.

Further regarding claim 9, Hirano ('462) teaches in figure 1 and the corresponding paragraphs, an organic EL element (13) connected to a TFT (2) for the purpose of improving the reliability of the display.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the TFT connection of Hirano in the display of Mashita for the purpose of improving the reliability of the display.

Regarding claim 11, Hirano ('462) teaches a plurality of the organic EL element.

The reason for combining is the same as for claim 9 above.

Regarding claim 12, Hirano ('462) teaches a plurality of the organic EL element and an element-separating portion (6) between adjacent organic EL elements.

The reason for combining is the same as for claim 9 above.

Regarding claim 13, Hirano ('462) teaches the element separating portion is SiN (paragraph 20).

The reason for combining is the same as for claim 9 above.

Regarding claim 14, Hirano ('462) teaches the element separating portion is polyimide or acrylic resin (paragraph 20).

The reason for combining is the same as for claim 9 above.

Regarding claim 16, Hirano ('462) teaches an element-separating portion covering layer (12) which covers the element-separating portion (6).

The reason for combining is the same as for claim 9 above.

Regarding claim 14, Hirano ('462) teaches between the substrate (1) and the insulating layer a flattening insulating film (6b) and a second insulating layer (6a).

The reason for combining is the same as for claim 9 above.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 4-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Joseph L. Williams  
Primary Examiner  
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